

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PISKANIN,)	
)	Civil Action No. 06 - 129J
Plaintiff,)	
)	Judge Kim R. Gibson /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
EDWARD RENDELL <i>Individually, and as the</i>)	Doc. No.32
<i>Governor of the Commonwealth of Pennsylvania</i>)	
<i>and as a Freemason; JEFFREY BEARD,</i>)	
<i>Individually, and as the Secretary of the</i>)	
<i>Commonwealth of Pennsylvania, Department of</i>)	
<i>Corrections; COMMONWEALTH OF</i>)	
<i>PENNSYLVANIA; DEPARTMENT OF</i>)	
<i>CORRECTIONS SUPERINTENDENT GOOD,</i>)	
<i>Individually, and as Superintendent, SCI Cresson</i>)	
<i>and an employee of Pennsylvania Department of</i>)	
<i>Corrections; and MRS. RIEFER, Individually, and</i>)	
<i>as an employee of the Pennsylvania Department of</i>)	
<i>Corrections at SCI Cresson,</i>)	
)	
Defendants.)	
)	
)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

It is respectfully recommended that the Plaintiff's Motion for Temporary Restraining Order (doc. no. 32) be denied.

II. REPORT

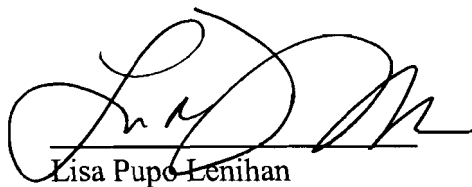
The Plaintiff, Michael J. Piskanin, an inmate incarcerated at the State Correctional Institution at Cresson, Pennsylvania (SCI-Cresson), commenced this action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983. The Defendants include: Edward Rendell, Governor of the Commonwealth of Pennsylvania; Jeffrey Beard, Secretary of the Pennsylvania Department of

Corrections (DOC); Superintendent Good; and Mrs. Rieter, employee of DOC. Plaintiff claims that the Defendants have violated his federal and constitutional rights by confiscating a religious medal. On January 29, 2007 the undersigned filed a Report and Recommendation recommending that a Motion for Preliminary Injunctive Relief Pendente Lite (doc. no. 3) be denied. The claims presented by Plaintiff is the present motion for a temporary restraining order are exactly the same as those presented in the motion for preliminary injunction and governed by the same legal standards. Therefore, incorporating all of the reasons set forth in that Report and Recommendation, the present motion should similarly be denied.

III. CONCLUSION

For the reasons stated above, it is respectfully recommended that the Plaintiff's Motion for Temporary Restraining Order (doc. no. 32) be denied.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, the parties are allowed ten (10) days from the date of service to file objections to this report and recommendation. Any party opposing the objections shall have ten (10) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.



Lisa Pupo Lenihan
U.S. Magistrate Judge

February 20, 2007

cc: Kim R. Gibson
United States District Judge

Michael Piskanin
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Counsel of Record